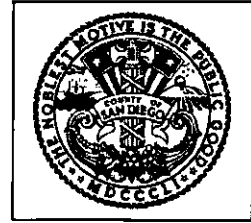


NOTICE OF PREPARATION



NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

June 12, 2008

NOTICE IS HEREBY GIVEN that the County of San Diego, Department of Planning and Land Use will be the Lead Agency and will prepare an Environmental Impact Report in accordance with the California Environmental Quality Act for the following project. The Department is seeking public and agency input on the scope and content of the environmental information to be contained in the Environmental Impact Report. A Notice of Preparation document, which contains a description of the probable environmental effects of the project, can be reviewed on the World Wide Web at http://www.sdcounty.ca.gov/dplu/ceqa_public_review.html, at the Department of Planning and Land Use (DPLU), Project Processing Counter, 5201 Ruffin Road, Suite B, San Diego, California 92123 and at the public library listed below. Comments on the Notice of Preparation document must be sent to the DPLU address listed above and should reference the project number and name.

OTAY BUSINESS PARK, TM5505, LOG NO. ER 93-19-006W. The project is the subdivision of a 161.6 gross acre parcel into 59 industrial lots in the East Otay Mesa Specific Plan area. The site is currently undeveloped but is subject to the (General Plan) Otay Subregional Plan, Land Use Designation Specific Plan Area/21. Zoning falls under the East Otay Mesa Specific Plan, Subarea 2, with a designation of Mixed Industrial. This land use is intended primarily for accommodating wholesale storage and distribution, research services, and general industrial uses. The project is located immediately southeast of and adjacent to the future intersection of Alta Road and Airway Road within the Otay Community/Regional Planning Area within the unincorporated area of San Diego County. Comments on this Notice of Preparation document must be received no later than July 11, 2008 at 4:00 p.m. (a 30 day public review period). This Notice of Preparation can also be reviewed at the San Ysidro Branch Library, located at 101 West San Ysidro Blvd., San Diego, CA, and the Otay Mesa Branch Library located at 3003 Coronado Ave, San Diego, CA 92154. For additional information, please contact Tim Taylor at (858) 694-3706 or by e-mail at tim.taylor@sdcounty.ca.gov.

PUBLIC SCOPING MEETING: A public scoping meeting will also be held in the DPLU Hearing Room at 5201 Ruffin Road, Suite B, San Diego, CA on June 25, 2008 from 3:00pm to 4:00pm. The meeting will provide a public forum for information dissemination, identification of issues, scope of review, and the overall EIR process. While staff will summarize the issues raised in this meeting and decisions made, anyone wishing to make formal comments on the Notice of Preparation must do so in writing. This scoping meeting is intended to satisfy the requirements of the Public Resources Code, Section 21083.9.



ERIC GIBSON
INTERIM DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcountry.ca.gov/dplu

NOTICE OF PREPARATION DOCUMENTATION

DATE: June 12, 2008

PROJECT NAME: Otay Business Park

PROJECT NUMBER(S): TM5505

PROJECT APPLICANT: Otay Business Park, 4225 Executive Square, Suite 920 La Jolla, CA 92037

ENV. REVIEW NUMBER: ER 93-19-006W

PROJECT DESCRIPTION:

The project proposes a Tentative Subdivision Map to subdivide a 161.6 gross acre parcel into 59 industrial lots and 2 stormwater detention basin lots. Proposed lots range in area from 0.9 to 5.0 acres. The site is currently undeveloped but is subject to the (General Plan) Otay Subregional Plan, Land Use Designation Specific Plan Area/21. Zoning falls under the East Otay Mesa Specific Plan, Subarea 2, with a designation of Mixed Industrial. This land use is intended primarily for accommodating wholesale storage and distribution, research services, and general industrial uses.

Access would be primarily from Alta Road along the western boundary of the site and Siempre Viva Road and Airway Road from the west. The project proposes to extend these roads to the site (Alta Road, 2600 feet; Siempra Viva Road, 1330 feet; and , Airway Road, 1300 feet) which would result in approximately 20.4 acres of offsite grading impacts. An additional road, Loop Road, would traverse the project site from west to northeast. All roads would be public. The proposed development plan is also intended to accommodate future construction of SR-11. One proposed alignment of SR-11 would traverse the northeastern portion of the site.

The project proposes sewer service from the East Otay Mesa Sewer District and water service from the Otay Water District. The project will be required to annex into the San Diego Rural Fire Protection District. Extensions of water, sewer, and storm drain lines into the project area will be required. Earthwork on the conception grading plan consists of cut and fill of 965,000 cubic yards of material. Detention basins are proposed in the southeastern and southwestern portions of the property. The project is to be implemented in four phases, progressing from west to east.

PROJECT LOCATION:

Assessor's Parcel Number 648-070-21, located immediately north of the U.S./Mexico border, approximately 0.5 mile east of Enrico Fermi Drive, in East Otay Mesa, within unincorporated San Diego County. The property also lies immediately southeast of and adjacent to the future intersection of Alta Road and Airway Road.

PROBABLE ENVIRONMENTAL EFFECTS:

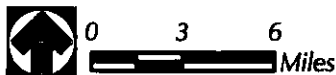
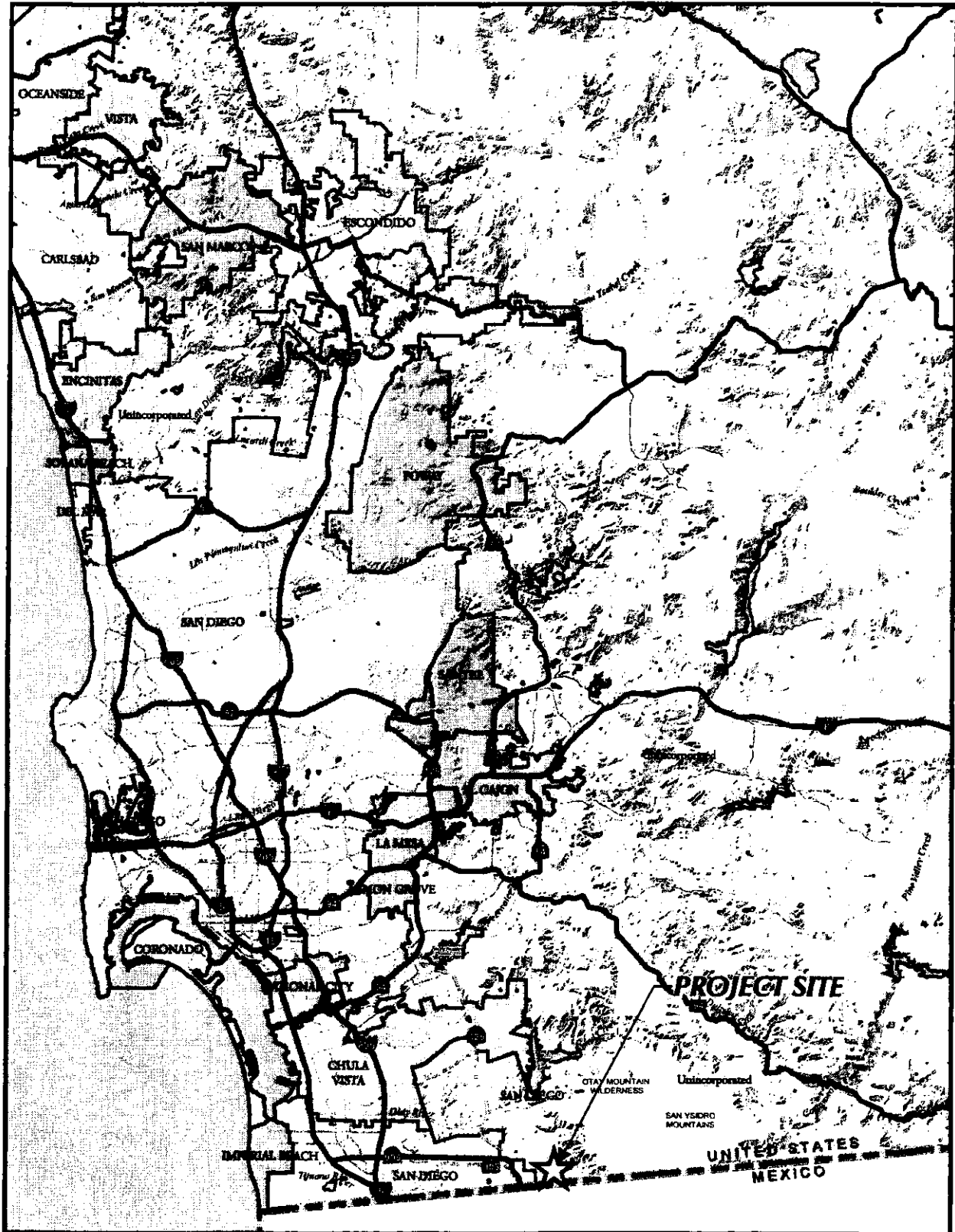
The probable environmental effects associated with the project are detailed in the attached Environmental Initial Study. All questions answered "Potentially Significant Impact" or "Less than Significant with Mitigation Incorporated" will be analyzed further in the Environmental Impact Report. All questions answered "Less than Significant Impact" or "Not Applicable" will not be analyzed further in the Environmental Impact Report.

The following is a list of the subject areas to be analyzed in the EIR and the particular issues of concern:

Air Quality	Potentially Significant Impact
Biological Resources	Potentially Significant Impact
Cultural Resources	Less than Significant with Mitigation
Paleontological Resources	Less than Significant with Mitigation
Hydrology & Water Quality	Less than Significant with Mitigation
Geology & Soils	Less than Significant with Mitigation
Hazards – Fire Protection Plan	
Hydrology/Drainage/Water Quality	Less than Significant with Mitigation
Noise	
Public Services	Potentially Significant Impact
Transportation/Traffic	Potentially Significant Impact
Utilities & Service Systems (Water Supply)	Less than Significant with Mitigation
Mandatory Findings of Significance	Potentially Significant Impact

Attachments:

- Project Regional Location Map
- Tentative Map Exhibit
- Environmental Review Update Checklist Form

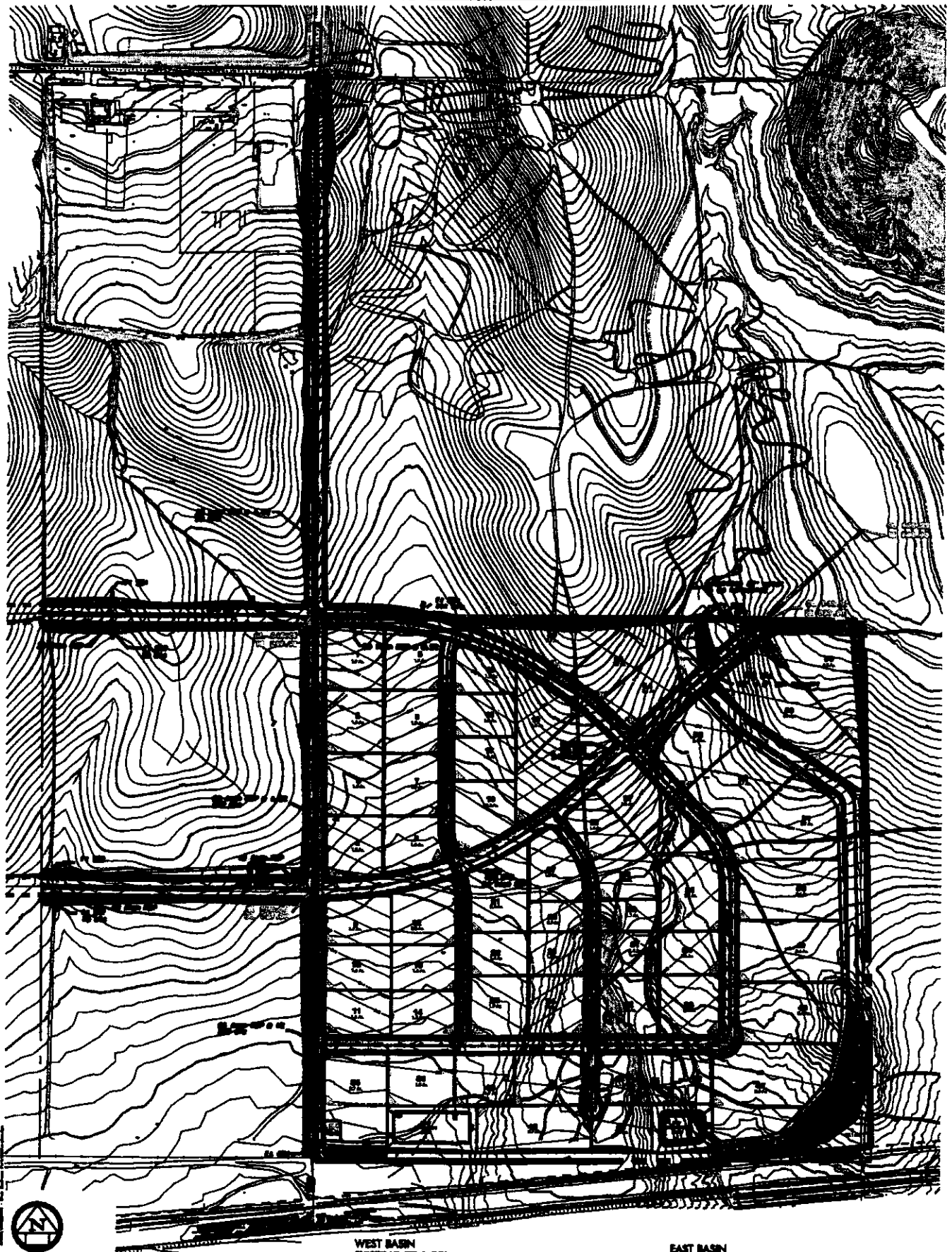


NOTICE OF PREPARATION

RECEIVED
MAY 16 2008

Regional Location Map

DEPARTMENT OF PLANNING



WEST BASIN
EXISTING 77.8 CFS
Q PROPOSED 299 CFS
78.0 AC

EAST BASIN
Q EXISTING 70.2 CFS
Q PROPOSED 420 CFS
72.5 AC

RECEIVED
MAY 16 2008

CONCEPT PLAN
Otay Business Park



County of San Diego

ERIC GIBSON
INTERIM DIRECTOR

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017

June 12, 2008

Environmental Review Update Checklist Form For projects with Previously Approved Environmental Documents

FOR PURPOSES OF CONSIDERATION OF Otay Business Park, TM 5505, ER 93-19-006W

The California Environmental Quality Act (CEQA) Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted Negative Declaration (ND) or a previously certified environmental impact report (EIR) covering the project for which a subsequent discretionary action is required. This Environmental Review Update Checklist Form has been prepared in accordance with CEQA Guidelines Section 15164(e) to explain the rationale for determining whether any additional environmental documentation is needed for the subject discretionary action.

1. Background on the previously certified EIR:

- An Environmental Impact Report (EIR) for the East Otay Mesa Specific Plan (SP 93-004); GPA 94-02; Log No. 93-19-6 was certified by the County of San Diego Board of Supervisors on July 27, 1994. The certified EIR found significant effects to Biological Resources, Noise, Land Use, Landform Alteration/Visual Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Transportation and Circulation, Air Quality, Health and Safety, Public Services and Utilities, and Population/Housing/Employment. These effects were determined to be mitigated or avoided to a level below significance except for effects on Biological Resources and Noise.
- Addendum #1 dated January 13, 1999; SPA 98-002; Log No. 93-19-016; was approved by the County of San Diego Board of Supervisors on January 13, 1999 (4). This addendum allowed for the sales of gasoline in land use areas as Support Commercial.

- Addendum #2 dated July 1, 1999; GPA 99-CE; Log No. 93-19-006 was approved by the Board of Supervisors on December 15, 1999 (2). This addendum added Highway SR-11 to the County Circulation Element.
- Reliance on the existing EIR with no modification was approved by the Planning Commission on June 20, 2000, for the East Otay Mesa Truck Travel Plaza; P98-024; Log No. 98-19-020.
- Addendum #3 dated June 21, 2000; Log No. 93-19-006; approved by the County of San Diego Board of Supervisors on June 21, 2000 (14) for the adoption of Interim Ordinance No. 9226 restricting certain uses within the East Otay Mesa Specific Plan.
- Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on July 26, 2000 (4); adoption of Ordinance No. 9235 approved the first extension of Interim Ordinance No. 9226. Used Addendum #3 (dated June 21, 2000) as the environmental document.
- A Supplemental EIR dated December 15, 2000 was approved by the Planning Commission on December 15, 2000, for the Sun Road Centrum project; TM 5139Rpl⁶; Log No. 93-19-013.
- Addendum #4 dated March 12, 2001, was approved by the Board of Supervisors on April 3, 2001. This project approved an agreement with PG&E Generating Company for acquisition and dedication of sewer easement. On May 1, 2001, the Board of Supervisors adopted Resolution 01-027 consenting to acquisition of easements by means of eminent domain.
- Addendum #5 dated February 23, 2001 was approved by the Zoning Administrator on May 1, 2001. This addendum was for the Burke Truck Parking and Storage project; ZAP 99-029; Log No. 99-19-016.
- Reliance on the existing EIR for adoption of Ordinance No. 9344 was approved by the County of San Diego Board of Supervisors on June 13, 2001 (5), amending and extending the Interim Ordinance No. 9226 as previously amended by Ordinance No. 9235. Used Addendum #3 (dated June 21, 2000) as the environmental document.
- Addendum #6 dated March 28, 2002 was approved the Board of Supervisors on June 12, 2002 (4), for the Amendment to the East Otay Mesa Specific Plan. The purpose of the amendment was to update the land use plan and permit processing requirements and split the Specific Plan Area into Subareas 1 and 2. SPA 00-005; GPA 02-CE1; Log No. 93-19-006A. Documents associated with this project are on the "East Otay Mesa Specific Plan" CD.

- Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Planning and Land Use on December 4, 2002, for the PG&E Subdivision, TPM 20570Rpl³, Log No. 00-19-027. The project split a 79-acre parcel into 3 parcels having 22.67, 46.02, and 13.10 acres, respectively. Parcel 2 (46.02 acres) was the location for the Otay Mesa Generating Project certified by the California Energy Commission on April 23, 2001.
- Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on July 9, 2003, for East Otay Auto Storage, MUP00-012, Log No. 00-19-007. The project was for an insurance auto auction and storage yard.
- Addendum #7 dated March 4, 2003 was approved by the Planning Commission on April 11, 2003 for the Revised Tentative Map for the Sunroad Tech Centre project, TM 5139Rpl⁶R², ER 98-19-013A. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6) and the Supplemental EIR for the Sunroad Tech Centre Tentative Map, TM 5139Rpl⁶, Log No. 93-19-013.
- Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on October 2, 2003 for TPM 20701, Burke. The project is a minor subdivision of 39.31 gross acres into four parcels of 9.48, 9.37, 8.80 and 11.66 acres each.
- Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Public Works on January 28, 2004, for East Otay Mesa Parcel B Grading Plan, L-14456. The grading plan was for the grading of a 20.68 acre pad for future development
- Reliance on the existing EIR with no modification was approved by the County of San Diego Director of Planning and Land Use on April 16, 2004 for Otay Mesa Property, LP/D&D Landholdings Boundary Adjustment/Certificate of Compliance BC 02-0150, Log No. 02-19-020. The Boundary Adjustment changed the boundaries of four existing parcels (APNs 648-040-21,22 and 648-050-15, 16) to create more marketable parcels for future development pursuant to the East Otay Mesa Specific Plan.
- Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on February 2, 2005 (4) for an amendment to the East Otay Mesa Specific Plan (SPA 04-002), approved by Resolution No. 05-11. The Environmental Review Update Checklist Form was dated November 24, 2004. The Specific Plan Amendment revised the public landscaping requirements for Subarea 1 to improve safety.

- Addendum #8 dated May 20, 2005 was approved by the Planning Commission on June 24, 2005 for Tentative Map for Otay Mesa Auto Transfer, Major Use Permit P03-001, ER 93-19-006C. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- Reliance on the existing EIR with no modification was approved by the County of San Diego Board of Supervisors on November 2, 2005 (3) for an Amendment to the East Otay Mesa Specific Plan (SPA 05-005), approved by Resolution No. 05-216. The Environmental Review Update Checklist Form was dated August 8, 2005. The Specific Plan Amendment revised the parking requirements in Subarea 1 to conform to the standards in place for Subarea 2.
- Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on December 2, 2005 for a boundary adjustment and certificate of compliance for the Pilot Travel Center (BC 05-0118, Log No. 93-19-006V).
- Addendum #9 dated January 31, 2006 was approved by the Planning Commission on March 10, 2006 for the Dillard and Judd Roll County Tentative Map, TM 5394Rpl³, ER 93-19-006P. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- Addendum #10 dated March 27, 2006 was approved by the Planning Commission on April 21, 2006 for the Airway Business Center Tentative Map, TM 5304Rpl, ER 93-19-006A. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
- Reliance on the existing EIR with no modification was approved by the Director of Planning and Land Use on April 12, 2006 for an Administrative Permit for clearing for the TPO LLC property (AD 04-025, Log No. 04-19-010).
- Reliance on the existing EIR with no modification was approved by the Director of Public Works on April 21, 2006 for Improvement Plans for Paseo de La Fuente (CG 4530); for 20.68 acres of grading for future development of the Border Patrol Site (L14456); and, for 73.5 acres of grading for future development of the Travel Plaza Site (L14632).
- Reliance on the existing EIR with no modification was approved by the Director of Public Works on May 19, 2006 for 13.5 acres of grading for future development of the Power Plant Laydown Site (L14208).
- Reliance on the existing EIR with no modification was approved by the Director of Public Works on June 30, 2006 for 13.45 acres of grading for future development of the Vulcan Site (L14625).

- Addendum #11 dated August 7, 2006 was approved by the Director of Planning and Land Use on August 29, 2006 for the Otay Logistics Industrial Park (Trammell Crow) Site Plan, S05-018, ER 93-19-006S. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
 - Addendum #12 dated November 17, 2006 was approved by the Director of Planning and Land Use on November 17, 2006 for the Pilot Travel Center Site Plan, S05-021, ER 93-19-006T. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
 - Addendum #13 dated November 8, 2006 was approved by the Director of Planning and Land Use on December 1, 2006 for the Calpine Minor Subdivision, TPM 21012, ER 00-19-27B. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
 - Addendum #14 dated June 15, 2007 was approved by the Board of Supervisors on August 1, 2007 (1) for the East Otay Mesa Update, SPA 06-003, GPA 06-013, ER 93-19-006Y. This was an addendum to the previously certified EIR for the East Otay Mesa Specific Plan (GPA 94-02, Log No. 93-19-6).
2. Lead agency name and address:
County of San Diego, Department of Planning and Land Use
5201 Ruffin Road, Suite B,
San Diego, CA 92123-1666
- a. Contact Tim Taylor, Land Use/Environmental Planner
b. Phone number: (858) 694-3706
c. E-mail: tim.taylor@sdcounty.ca.gov
3. Project applicant's name and address:
Matthew Barlow
Kimley-Horn and Associates: San Diego
517 Fourth Ave, Suite 301
San Diego, CA 92101
4. Summary of the activities authorized by present permit/entitlement application(s):
- The project proposes a Tentative Subdivision Map to subdivide a 161.6 gross acre parcel into 59 industrial lots and 2 stormwater detention basin lots. Proposed lots range in area from 0.9 to 5.0 acres. The site is currently undeveloped but is subject to the (General Plan) Otay Subregional Plan, Land Use Designation Specific Plan Area/21. Zoning falls under the East Otay Mesa Specific Plan, Subarea 2, with a designation of Mixed Industrial. This land use is intended primarily for accommodating wholesale storage and distribution, research services, and general industrial uses.

Access would be primarily from Alta Road along the western boundary of the site and Siempre Viva Road and Airway Road from the west. The project proposes to extend these roads to the site (Alta Road, 2600 feet; Siempre Viva Road, 1330 feet; and , Airway Road, 1300 feet) which would result in approximately 20.4 acres of offsite grading impacts. An additional road, Loop Road, would traverse the project site from west to northeast. All roads would be public. The proposed development plan is also intended to accommodate future construction of SR-11. One proposed alignment of SR-11 would traverse the northeastern portion of the site.

The project proposes sewer service from the East Otay Mesa Sewer District and water service from the Otay Water District. The project will be required to annex into the San Diego Rural Fire Protection District. Extensions of water, sewer, and storm drain lines into the project area will be required. Earthwork on the conception grading plan consists of cut and fill of 965,000 cubic yards of material. Detention basins are proposed in the southeastern and southwestern portions of the property. The project is to be implemented in four phases, progressing from west to east.

5. Does the project for which a subsequent discretionary action is now proposed differ in any way from the previously approved project?

YES

☒

NO

☐

The project proposed to alter the circulation alignments for two roads approved by the East Otay Mesa Specific Plan, and included in the current San Diego County General Plan Circulation Element. The Circulation Element roads are Siempre Viva/Loop Road and Airway Road. These changes were included in a County initiated Specific Plan Amendment that involved other changes unrelated to this project. Please see below discussion under Section IX. Land Use and Planning for further details.

6. **SUBJECT AREAS DETERMINED TO HAVE NEW OR SUBSTANTIALLY MORE SEVERE SIGNIFICANT ENVIRONMENTAL EFFECTS COMPARED TO THOSE IDENTIFIED IN THE PREVIOUS ND OR EIR.** The subject areas checked below were determined to be new significant environmental effects or to be previously identified effects that have a substantial increase in severity either due to a change in project, change in circumstances or new information of substantial importance, as indicated by the checklist and discussion on the following pages.

☐ Aesthetics

☒ Biological Resources

☒ Hazards & Haz. Materials

☐ Mineral Resources

☒ Public Services

☐ Agriculture Resources

☒ Cultural Resources

☒ Hydrology/Water Quality

☒ Noise

☐ Recreation

☒ Air Quality

☒ Geology/Soils

☐ Land Use/Planning

☐ Population/Housing

☒ Transportation/Traffic

☒ Utilities/Service Systems

☒ Mandatory Findings of Significance

DETERMINATION:

On the basis of this analysis, the Department of Planning and Land Use has determined that:

- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, the previously adopted ND or previously certified EIR is adequate **CHOOSE EITHER A) or B): A)** without modification. **B)** upon completion of an ADDENDUM.
- ☐ No substantial changes are proposed in the project and there are no substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous EIR or ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Also, there is no "new information of substantial importance" as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, because the project is a residential project in conformance with, and pursuant to, a Specific Plan with an EIR completed after January 1, 1980, the project is exempt pursuant to CEQA Guidelines Section 15182.
- ☐ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). However all new significant environmental effects or a substantial increase in severity of previously identified significant effects are clearly avoidable through the incorporation of mitigation measures agreed to by the project applicant. Therefore, a SUBSEQUENT ND is required.
- ☒ Substantial changes are proposed in the project or there are substantial changes in the circumstances under which the project will be undertaken that will require major revisions to the previous ND or EIR due to the involvement of significant new environmental effects or a substantial increase in the severity of previously identified significant effects. Or, there is "new information of substantial importance," as that term is used in CEQA Guidelines Section 15162(a)(3). Therefore, a SUPPLEMENTAL EIR is required.

Signature

Tim Taylor
Printed Name

June 12, 2008

Date

Project Manager
Title

INTRODUCTION

CEQA Guidelines Sections 15162 through 15164 set forth the criteria for determining the appropriate additional environmental documentation, if any, to be completed when there is a previously adopted ND or a previously certified EIR for the project.

CEQA Guidelines, Section 15162(a) and 15163 state that when an ND has been adopted or an EIR certified for a project, no Subsequent or Supplemental EIR or Subsequent Negative Declaration shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole public record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR; or
 - b. Significant effects previously examined will be substantially more severe than shown in the previously certified EIR; or
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines, Section 15164(a) states that an Addendum to a previously certified EIR may be prepared if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a Subsequent or Supplemental EIR have occurred.

If the factors listed in CEQA Guidelines Sections 15162, 15163, or 15164 have not occurred or are not met, no changes to the previously certified EIR or previously adopted ND are necessary.

The following responses detail any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that may cause one or more effects to environmental resources. The responses support the "Determination," above, as to the type of environmental documentation required, if any.

ENVIRONMENTAL REVIEW UPDATE CHECKLIST

I. AESTHETICS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings within a state scenic highway; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?

YES

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NO

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The previously certified EIR identified significant and mitigable impacts for Visual Quality/Landform Alteration. Landform Alteration impacts would be largely due to grading associated with the hillside residential area. Visual impacts could potentially occur from industrial development adjacent to Johnson Canyon in the northern portion of the Specific Plan Area. For the most part, no significant landform alteration or visual impacts were expected from development of the flatter industrial and commercial portions of the Specific Plan Area. A number of mitigation measures to reduce or avoid Landform Alteration/Visual Quality impacts were proposed. These mitigation measures, as numbered in the original EIR, are listed below:

- 2A. The "G" Sensitive Resources Designator shall be applied to the hillside residential district as part of the Specific Plan process. This will require submittal of a Site Plan prior to development.
- 2B. Site Plans will be required for any project proposed in the hillside residential district (grading, clearing, site preparation, Administrative Permits, Major and Minor Use Permits, Tentative Parcel Maps, Tentative Maps).
- 2C. Site Plans shall include site specific grading plans, placement of house pads, driveways, accessory structures, and any other proposed urban elements to assess impacts at the time of development.
- 2D. Grading Plans for properties adjacent to Johnson Canyon shall incorporate erosion control devices to be put in place prior to construction. The specific

boundaries from Johnson Canyon shall be defined as the top of the canyon slopes within the residential district, and no fill will be allowed within those boundaries.

The proposed project is strictly a subdivision. No specific uses or structures are proposed at this time. It is anticipated that the development of the individual lots will take the form of one to two story structures, likely built of concrete and/or concrete block. The building designs will be required to conform to the East Otay Mesa Specific Plan. The plan will also require a landscaping of the individual lots and streetscapes. The project is compatible with the existing visual environment's visual character and quality for the following reasons: the entire area will be developed as industrial and conforming with the Design Guidelines of the Specific Plan.

There are no changes in the project, changes in circumstance, or new information of substantial importance that results in major revisions of the previous EIR.

II. AGRICULTURAL RESOURCES – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agricultural resources including: conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use and/or conflicts with existing zoning for agricultural use or Williamson Act contract?

YES
☐

NO
☒

The previous EIR found the loss of Important Farmland to be less than significant as there was limited area with this classification and agricultural use could continue as an interim use prior to build-out of the Specific Plan area. No mitigation was deemed necessary. The cumulative loss of open space and agricultural land was found to be a significant and unavoidable impact, and the change in East Otay Mesa from scattered agricultural operations to a major industrial center to represent an irreversible environmental change. A Statement of Overriding Consideration was adopted with regard to impacts to Agricultural Resources.

The proposed project site is zoned S88-Specific Plan (Mixed Industrial land use designation), which is not considered to be an agricultural zone. Additionally, the project site's land is not under a Williamson Act Contract.

The project site and surrounding area within radius of one mile has land designated as Prime Farmland and Farmland of Local Importance. However, the proposed project was determined not to have significant adverse impacts related to the conversion of Prime Farmland, Unique Farmland, Farmland of Statewide or Local Importance or active agricultural operations to a non-agricultural use for the following reasons:

- There are no active agricultural operations in the immediate surrounding area nor within 10 miles.

- Agricultural resources were examined under the EIR for the East Otay Mesa Specific Plan, certified May 11, 1994. The proposed use would be consistent with the Specific Plan and no changes in the factors analyzed in the previous environmental document have occurred.

Therefore, no potentially significant project or cumulative level conversion of Prime Farmland, Unique Farmland, Farmland of Statewide Importance, or Farmland of Local Importance to a non-agricultural use will occur as a result of this project.

There are no changes in the project, changes in circumstance, or new information of substantial importance that results in major revisions of the previous EIR.

III. AIR QUALITY – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the San Diego Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?

YES

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NO

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The previously certified EIR identified significant and mitigable impacts for Air Quality. The mitigation measures, as numbered in the original EIR, are listed below:

- 9A. The County shall require applicants to use several techniques to reduce potentially significant construction emissions.
- 9B. Development projects shall provide bicycle facilities to promote use of alternative transportation methods.
- 9C. The County shall coordinate with appropriate agencies to implement reduction of vehicle emissions.

Earthwork will consist of cut and fill of 965,000 cubic yards of material. Construction emissions, after accounting for best management practices, may have a significant impact, although temporary, on air quality related to fugitive dust and ozone precursors.

The project does not propose a grading or construction in an amount that is not in keeping with what was contemplated in the previously certified EIR. The EIR stated that air quality in the Specific Plan area would not be significantly affected by construction emissions as

those pollutants would be localized and temporary. Vehicle emissions were considered the most significant source of air pollutants. The EIR recognized that San Diego County is a non-attainment area for Ozone and Particulate Matter (<10 microns), and therefore the Specific Plan project was determined to be a significant impact to regional air quality.

Since the Specific Plan EIR was certified, State regulations now require the analysis of project emissions for Particulate Matter less than 2.5 microns (PM_{2.5}). In addition, the project must analyze the potential for CO₂ hotspots from project generated traffic queuing at local intersections, and consider the cumulative impacts from simultaneous construction projects with respect to Particulate Matter and VOC emissions. An air quality analysis must be completed using the County's Air Quality Analysis Format Guidelines which can be found at

<http://www.sdcounty.ca.gov/dplu/Resource/docs/3~pdf/AQAnaFormGui.pdf>.

A full discussion of any direct and/or cumulative impacts and necessary mitigation measures must be included in the SEIR.

IV. BIOLOGICAL RESOURCES – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?

YES
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NO
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The previously certified EIR identified significant and unmitigable impacts for Biological Resources. A Statement of Overriding Consideration was adopted with regard to impacts to Biological Resources. However, the EIR was written over 12 years ago and both the on-site conditions and regulatory framework have undergone changes.

The original EIR included, in part, the following mitigation measures:

- Preserve 100% of J-22 complex (including watershed); provide buffers. Preserve 100% of occupied vernal pools, if possible.
- Participation in NCCP [sic] involving on-site preservation of large portions of coastal sage shrub habitat.
- Incorporate 90% of Stipa on-site into designated open space and maintain corridor between preserved grassland habitat and...foothills to the east. Retain some non-native grassland along the US-Mexico border as foraging habitat, if possible.

- Preserve drainages and incorporate buffers for 13 acres of wetlands.

Since approval of the original Specific Plan, the County of San Diego has adopted the Multiple Species Conservation Program (MSCP) and several wildlife species have been listed as threatened or endangered. The project site lies within the South County Multiple Species Conservation Program (MSCP) boundaries, and is classified as a Minor Amendment Area within the MSCP. In order for future development proposals to be approved and take authorization to be given to the landowner, the Amendment process shall first be completed as specified in the MSCP Subarea Plan.

Processing a Minor Amendment to the MSCP requires preparation of a California Environmental Quality Act document, a biological resources report, identification of any mitigation required by the Biological Mitigation Ordinance (BMO), and concurrence by the local offices of the United States Department of Fish & Wildlife and California Department of Fish & Game. If biological resources reports associated with future development applications do not identify sensitive resources, it is envisioned that biological mitigation requirements for Minor Amendment Areas will take place off site, unless those sensitive habitats requiring preservation, as proposed in the previously certified EIR, are identified on-site.

A Biological Technical Report has been prepared by the project, however, it has not yet been approved by the County. The report indicates that the project may impact vernal pools, a streamcourse, ephemeral pond(s), native grassland, non-native grassland, Diegan Coastal Sage Shrub, and disturbed habitat. In addition the site contains or potentially contains the following sensitive species: burrowing owls, fairy shrimp, Quino checkerspot butterfly, and other sensitive animals and well as several rare plants. At least some of these impacts may not be fully mitigated, and compliance with the BMO has not been determined.

The Biological Technical Report must be completed and biological resource impacts, ordinance compliance, and mitigation measures must be addressed in the SEIR.

V. CULTURAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?

YES
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NO
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The previously certified EIR identified significant and mitigable impacts for Cultural Resources. As discussed in the original East Otay Mesa Specific Plan (Appendix 2 and Policy COS5) and the East Otay Mesa Specific Plan Cultural Resources Technical Report (Ogden Environmental and Gallegos and Associates 1993), mitigation is

required for sites that have been determined significant as defined by the California Environmental Quality Act. Mitigation included the testing of all untested or unevaluated sites prior to approval of any subsequent discretionary permits, with appropriate mitigation determined at that time.

The project is currently complying with the earlier mitigation of the previous EIR. The project site has been extensively surveyed for cultural resources. The report provides the results of a cultural resource survey and test program. Twenty-two resources are located within the project area that includes previously recorded resources (CA-SDI-8074, CA-SDI-8075, CA-SDI-8076, CA-SDI-8077, CA-SDI-8078, CA-SDI-8079, CA-SDI-8080, CA-SDI-8082, CA-SDI-11798, CA-SDI-11799H), newly identified resources (CA-SDI-17962, CA-SDI-17963, CA-SDI-17964, CA-SDI-17965, CA-SDI-17966, CA-SDI-17967), and isolates (P-37-027656 through P-37-027661). Three of the ten previously recorded resources were not relocated (CA-SDI-8074, CA-SDI-8076, CA-SDI-11798). Only one site (CA-SDI-8076) has been previously tested and determined not significant. Although no surface manifestation for sites CA-SDI-8074 and CA-SDI-11798 was identified, both sites were included in the current testing program.

Twelve resources were tested for significance (CA-SDI-8074, CA-SDI-8075, CA-SDI-8077, CA-SDI-8078, CA-SDI-11798, CA-SDI-11799H, CA-SDI-17962, CA-SDI-17963, CA-SDI-17964, CA-SDI-17965, CA-SDI-17966, CA-SDI-17967). Two resources (CA-SDI-17963, CA-SDI-11799H) were determined to be significant resources. Staff recommends that the significance conclusions be revised to match the County's Guidelines for Determining Significance that was adopted on September 26, 2006. Comments regarding the significance evaluation of these sites are provided below.

Two resources (CA-SDI-8081, CA-SDI-12888H) were previously recorded within the off-site improvement areas. Neither resource was relocated during the current survey. Testing is recommended for both of these sites pursuant to the Supplement to the East Otay Mesa Cultural Resources Technical Report Update (Appendix A). Similar to sites CA-SDI-8074 and CA-SDI-11798 in which no surface manifestation was identified, test these sites in the geographical location identified in the most recent site forms.

Prehistoric activity in the area is evident by the number of previously recorded cultural resources. Because there is the potential for the presence of buried resources, monitoring during any grading will be required to ensure that, if features such as hearths, or human remains are found, they will be handled in an appropriate manner. In addition, recordation of information obtained during this study and the curation of all artifacts will be required to exhaust all research potential.

The Cultural Resource Report must be completed and all cultural resource impacts and mitigation measures must be addressed in the SEIR.

VI. GEOLOGY AND SOILS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one

or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

YES

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NO

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The previously certified EIR identified significant and mitigable impacts for Geology and Soils. The Final EIR for the East Otay Mesa Specific Plan identified a number of potential impacts to geology and soils including: 1) potential for ground acceleration/shaking due to regional seismic activity; 2) certain areas are susceptible to liquefaction and seismically induced settlement; 3) open reservoirs on-site are susceptible to overtopping during seismic events; 4) geologic materials may contain adverse bedding or other strata subject to failure; and 5) soils-related hazards such as erosion, expansion, and settlement could occur. A number of mitigation measures to reduce or avoid Geology and Soils impacts were proposed. These measures are largely standard engineering measures that would be implemented as necessary, even if they were not formally identified as mitigation measures in the previously certified EIR. These mitigation measures, as numbered in the original EIR, are listed below:

- 5A: Site Specific subsurface geotechnical investigations shall be required for each project proposed in the Specific Plan Area. These shall include, but not be limited to, the following:
 1. Design buildings in accordance with the Uniform Building Code.
 2. Incorporate remedial grading and design techniques into removal and replacement of liquefiable soils or construction of deep foundations systems.
 3. Remove reservoirs or prepare flood control plans for areas downstream of reservoirs.
 4. Perform static and pseudo-static slope stability analyses for proposed cut and fill slopes.
 5. Use standard engineering techniques to reduce soils related hazards as outlined in Section 4.5 of the previously certified EIR.

In order to comply with these mitigation measures from the previous EIR, the project applicant must prepare and submit a Geotechnical Report that addresses all of the above applicable geotechnical issues for the project site, and include all analysis in the SEIR.

VII. HAZARDS AND HAZARDOUS MATERIALS – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances

under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

YES



NO



The previously certified EIR identified significant and mitigable impacts for Health and Safety related to use of hazardous materials by industrial operations, transportation of hazardous materials, and possible exposure of residents and workers to hazardous materials used across the border in Mexico. Mitigation measures included the following:

- 10A. Any industrial development adjacent to residential uses shall submit a Hazardous Materials and Management Plan to the County Department of Environmental Health for approval.
- 10B. Transportation of hazardous substances shall be conducted in accordance with the California Code of Regulations and the Code of Federal Regulations.

Since the previous EIR was adopted, there have been changes in the circumstances under which the project was undertaken related to Hazards. The project site is located within the declared Urban-Wildland Interface (UWI) area or a Hazardous Fire Area, and a Fire Protection Plan (FPP) was prepared by the applicant and approved by the Fire Chief and DPLU (as a general proposal) pursuant to Article 86, Section 8601 of the 2001 California Fire Code. A FPP to access fire safety issues, including water supply, access, building ignition and fire resistance, fire protection systems and equipment, defensible space and vegetation management. These studies must be completed and the resource issues addressed in the SEIR.

VIII. HYDROLOGY AND WATER QUALITY – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any

waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff; place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including County Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?

YES



NO



The previously certified EIR identified significant and mitigable impacts for Hydrology and Water Resources. Impacts were anticipated from increased impervious areas from build-out of the Specific Plan area. Mitigation measures included the following:

- 6A. As individual projects are proposed, they shall be required to construct onsite detention facilities, storm drain facilities, energy dissipators, and erosion control devices to reduce the flow of runoff.
- 6B. The County and the property owners shall comply with Best Management Practices of the Clean Water Act.
- 6C. Individual projects shall incorporate proper construction techniques to prevent erosion and off-site transport of sediment.
- 6D. Bridge construction across O'Neal Canyon shall be completed outside the 100-year floodplain.

Since the previous EIR was adopted, the County has adopted the Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO). To comply with the ordinance the applicant submitted a Stormwater Management Plan (SWMP) for the project. The SWMP must identify potential construction and post-construction pollutants that may result from the project and propose site design, source control, and treatment control Best Management Practices (BMPs) to address the pollutants. In addition, the project will be subject to new Municipal Stormwater Permit requirements regarding Low Impact Development (LID) that become effective January 25, 2008.

In order to demonstrate compliance with the WPO, the project submitted a Draft SWMP, dated June 13, 2006, which identifies potential construction and post-construction

pollutants that may result from the project and also identifies BMPs to address the pollutants. The SWMP received for the project has not yet been approved by the County.

In addition, the project must also complete a Preliminary Drainage Study for review and approval by the County. A CEQA Preliminary Hydrology/Drainage Study has been submitted, but has not yet been approved by the County.

Although it is not expected that the project will cause additional or more severe impacts to hydrology or water quality as addressed in the previous EIR, these studies must be completed and the resource issues addressed in the SEIR.

IX. LAND USE AND PLANNING – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

YES
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NO
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The previously certified EIR identified significant and mitigable impacts for Land Use. Impacts were related to the change from undeveloped or agricultural land uses to industrial, commercial, and residential land uses. Land use compatibility impacts between residential and industrial/commercial development, impacts to future residences from the State prison and County detention facility, impacts to the boundary monument and the U.S./Mexico border, and impacts to important farmlands were foreseen. Mitigation measures included:

- 1A. Site Plan shall be required for the hillside residential area prior to approval of any residential development. Site Plan shall evaluate land use compatibility impacts in detail, and shall propose detailed mitigation measures to alleviate the impacts. These mitigation measures shall include, but not be limited to the following:
 - a. A 25 foot landscaped buffer between the boundaries of residential/commercial/industrial properties; placement of homes away from light sources.
 - b. Adherence to noise mitigation measures required in Section 4.8 of the draft EIR.
 - c. Industrial development that is proposed adjacent to residential uses shall submit a Hazardous Materials and Management Plan to the County Department of Environmental Health for approval.

The General Plan Land Use Designation of the site is 21-Specific Plan Area, Otay Subregional Plan. The Zoning of the site is S-88 (Specific Plan). The site is subject to a East Otay Mesa Specific Plan, Subarea 2, with a land use designation of Mixed Industrial.

The Specific Plan anticipated development of the type that is currently proposed by the project.

There were circulation changes for this site included in a County-initiated Specific Plan Amendment and General Plan Amendment, which also included other areas of the Specific Plan. The amendment was adopted August 1, 2007. The amendment specifically altered the circulation alignments for two roads originally approved by the East Otay Mesa Specific Plan, and included in the current San Diego County General Plan Circulation Element, Siempre Viva/Loop Road and Airway Road. The changes were, in large part, a response to the anticipated alignment of State Route 11, which will have a limiting affect on the potential through roads in the vicinity. The changes to Siempre Viva/Loop Road, in particular, are to allow for the anticipated Caltrans interchange at Siempre Viva/Loop Road and SR-11.

Siempre Viva/Loop Road, a Major Road, was originally proposed as a looped transition from the Siempre Viva east-west portion to the Loop Road north-south portion. The road has been slightly realigned from its approved alignment in the area of the transition from Siempre Viva to Loop Road. Airway Road, an east west a Major Road, was proposed to continue east past the project site. It is now realigned to turn southeastward within the project site and eventual end within the internal industrial roads.

The Specific Plan includes industrial road connections to the properties to the north and east. The project and the neighboring project to the north proposes only one such connection. The project proposed no industrial road connection to the property to the east.

The project must include a Traffic Study to analyze the anticipated traffic impacts.

The proposed project would comply with the minimum lot size required under the Specific Plan. The project will be required to provide landscaping of the streets and common areas which complies with the Specific Plan. The specific land uses and site development of the lots will be required to be approved under a subsequent Major Use Permit or Site Plan approval for each lot or multiple lots. These approvals will be subject to the use regulations and development standards of the Specific Plan.

X. MINERAL RESOURCES -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of

locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

YES

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NO

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No impacts to mineral resources were anticipated by the previous EIR. Prospects were reported in the San Ysidro Mountains east of the Specific Plan area, but no producing mines or quarries were known to exist in the Specific Plan boundaries. There are no changes in the project, changes in circumstance, or new information of substantial importance that results in major revisions of the previous EIR.

XI. NOISE -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

YES

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NO

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The previous EIR found that there would be significant and unmitigable impacts to residential areas and sensitive habitats/species from industrial/commercial uses and roadways. Mitigation measures included the following:

- 8A. Noise sensitive land use, including existing and proposed residences and all California gnatcatcher habitat, located within the estimated 60 dB CNEL noise contour shall have a site specific noise studies prepared prior to approval of discretionary permits. Siting of industrial and commercial uses shall be such that adequate setbacks are created to minimize off-site noise impacts to sensitive receptors.
- 8B. Residential development shall be avoided in the areas where the projected CNEL noise contour for Brown Field exceeds 60 dB.
- 8C. All construction operations shall comply with the San Diego County Noise Ordinance (Section 36.410). All construction operations scheduled to occur within 1500 feet of California gnatcatcher habitat shall prepare a project specific noise mitigation and monitoring program to demonstrate compliance with established noise standards.

- 8D. Project specific noise analyses shall be required in the hillside residential district prior to approval of projects in this area to assure noise compatibility with adjacent projects.

In order to comply with the mitigation measures from the previous EIR, the project has prepared a noise assessment which the County has yet to approve. The noise assessment indicates there will be cumulatively significant noise impacts to existing residences on Otay Mesa Road. The noise assessment must be completed and address all staff comments. All noise issues must be discussed in the SEIR.

XII. POPULATION AND HOUSING – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?

YES
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NO
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The previously certified EIR identified positive socioeconomic benefits for the project (37 housing units, 21,264 new jobs) and for proposed cumulative development (31,070 housing units, 85,818 new jobs). There are no changes in the project, changes in circumstance, or new information of substantial importance that results in major revisions of the previous EIR.

XIII. PUBLIC SERVICES – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?

YES
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NO
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The previously certified EIR identified significant and mitigable impacts for Public Services and Utilities. Mitigation measures included the following:

- 11A. Any residential development proposed in the Specific Plan Area shall be subject to State laws governing school impact fees.

- 11B. Domestic water demand shall be reduced through use of Best management Practices water conservation measures as identified by the Metropolitan Water District and the San Diego County Water Authority. This shall include preparation of a water conservation plan to document these measures.
- 11C. No development beyond that which can be served by the initial 1.0 million gallons per day capacity shall be allowed until long-term sewer service capacity has been provided. In addition, no development shall be allowed until all the necessary infrastructure has been constructed and facilities are operable.
- 11D. The County shall continue its efforts to site landfill facilities in South Bay.

No mitigation measures were stated related to police protection, parks and recreation, fire and emergency services, libraries, or gas and electricity. However, page A-26 of the Final EIR states "Implementation of the Specific Plan would generate additional demand for police protection services in an area that does not currently meet minimally acceptable standards. For the first phase of development, a new police station will be constructed on the mesa. No development will be allowed within the Specific Plan Area until adequate police services are available, and since a police station site has been identified on the land use map, no significant impacts will occur; therefore, additional mitigation is not required."

Service availability letters have been provided which indicate services will be available to the project site from the following agencies/districts:

- ☐ Otay Water District (Water)
- ☐ San Diego Rural Fire Protection District (Fire)
- ☐ East Otay Mesa Sewer Maintenance District (Sewer)

The above services are not currently available to the site. They will need to be planned and built. Pursuant to the Specific Plan, operations and maintenance costs shall be financed by the property owners through conditions of development approval. A master plan exists for the Otay Water District. A master plan also exists for the East Otay Mesa Sewer Maintenance District, and includes financing alternatives. The project will be required to annex into the San Diego Rural Fire Protection District. The fire district has a funding mechanism in place. The Specific Plan includes a future Sheriff's Station to serve the area. Staff understands that response times from the Sheriff's Department do not meet General Plan requirements and the current level of law enforcement is not adequate until a Sheriff's facility and staff are located in or closer to East Otay Mesa. The Sheriff's Department is currently working on a facility needs assessment and funding mechanism to finance new facilities to provide police services to the EOM Specific Plan area. Funding is anticipated to be shared among the EOM landowners.

The Otay Business Park SEIR will need to include an analysis of water services, sewer services, and police services and propose adequate mitigation (if necessary).

XIV. RECREATION – Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

YES
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NO
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The project does not include recreational facilities or require the construction or expansion of recreational facilities. There are no changes in the project, changes in circumstance, or new information of substantial importance that results in major revisions of the previous EIR.

XV. TRANSPORTATION/TRAFFIC -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system; exceedance, either individually or cumulatively, of a level of service standard established by the county congestion management agency for designated roads or highways; a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; inadequate parking capacity; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

YES
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NO
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The previous EIR found significant and mitigable impacts to Transportation and Circulation. The original mitigation measures, as numbered in the original EIR, are listed below:

- 7A. The County of San Diego shall work with the Cities of San Diego and Chula Vista to resolve inconsistencies in future roadway designations and shall coordinate roadway design at jurisdictional boundaries.
- 7B. Prior to the formation of an assessment district to fund the implementation of the regional Circulation Element, projects within the East Otay Mesa Specific Plan are required to provide a traffic impact report to analyze and mitigate their off-site traffic impacts.

Various roads in the project vicinity are at Level of Service (LOS) "E" and "F" or will be with the project and/or with cumulative projects. This project is anticipated to generate approximately 32,000 ADT (per SANDAG traffic rates 160 acres times 200 ADT per acre for industrial= 32,000 ADT). Various roads in the area are at Level of Service E and

F or will be with the project. Given the county's traffic threshold of 100 ADT on a two lane road operating at LOS F, there may be direct impacts. Given the county's traffic threshold of 200 ADT on a two lane road operating at LOS E, there may be direct impacts. Using SANDAG's estimate for AM and PM peak hour trips the project may generate more than five peak hour trips and may exceed the five additional trips to a critical move threshold - when the trips are distributed on the road network, and may have direct impacts. A traffic study is being required by DPW

Since the previous EIR was certified, the County of San Diego has developed an overall programmatic solution that addresses existing and projected future road deficiencies in the unincorporated portion of San Diego County. This program includes the adoption of a Transportation Impact Fee (TIF) program to fund improvements to roadways necessary to mitigate potential cumulative impacts caused by traffic from future development. This program is based on a summary of projections method contained in an adopted planning document, as referenced in the State CEQA Guidelines Section 15130 (b)(1)(B), which evaluates regional or area wide conditions contributing to cumulative transportation impacts.

These constitute changes in circumstances and changes in the project that may result in new impacts to transportation and necessitate new mitigation measures, if feasible. A Traffic Impact Study (TIS) has been prepared for the project but has not yet been approved by the County. The TIS must be reviewed by CalTrans and DPW, and transportation must be addressed in the SEIR.

XVI. UTILITIES AND SERVICE SYSTEMS -- Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?

YES

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NO

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The project will construct onsite stormwater runoff facilities including underground piping, detention basins, surface catch basin inlets, and bioswales. These facilities will be evaluated as part of the project's potential impacts on Hydrology and Water Quality. See also the discussion above under XIII. Public Services.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE: Since the previous EIR was certified are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?

Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

YES



NO



There are changes in the project and changes in circumstances which could potentially cause new significant impacts and require new mitigation measures, if feasible. The resource areas potentially affected include air quality, biology, hazards, hydrology, noise, transportation/traffic, and public services/utilities. These resources must be addressed in the SEIR.

SECTION B - ADDITIONAL INFORMATION REQUIREMENTS: Fill in this section of the form when any question has been answered "Additional Information Required from Applicant." Additional information can take the form of additional detail in the project description, technical studies, etc. Please list the additional information to be requested of the applicant and be as specific as possible. These requirements will be requested from the applicant in writing by DPLU Environmental Analyst as part of project scoping or information review:

Environmental Impact Report. The project is required to complete a Supplemental EIR with associated technical studies.

SECTION C - DRAFT PROPOSED ON- AND OFF-SITE IMPROVEMENTS

ANTICIPATED: List the potential road and flood control or other DPW improvements that DPW will recommend as conditions of approval. Particular emphasis should be placed on potential off-site improvements such as road widening, intersectional improvements, and sight distance improvements, which may have other environmental effects. These proposed conditions are subject to change based upon project changes, new information, or new analysis by staff or the project decision-making authority:

Pending evaluation and approval of the project's CEQA drainage study, improvements may be required to the project and the surrounding area as mitigation for drainage impacts caused by this project.

Pending evaluation and approval of the project's traffic study, improvements may be required to the project roads and surrounding roads and/or road intersections as part of mitigation for the traffic impacts caused by this project. Potential off-site improvements include the widening/construction of Alta Road, the construction of Airway Road, the construction of Siempre Viva, and the construction of Via de la Amistad to public road standards. Potential on-site improvements include the construction of Alta Road, the construction of Airway Road, the construction of Siempre Viva, the construction of Via de la Amistad, and the construction of various proposed industrial roads to public road standards.

Pending evaluation of the project, improvements may be required to the project and the surrounding area as mitigation for waste water service impacts caused by this project.

Pending evaluation of the project, improvements may be required to the project and the surrounding area as mitigation for water service impacts caused by this project.

Attachments

- Previous environmental documentation, Addenda, Subsequent EIRs, and CEQA 15162 Findings are on file for the project numbers and lot numbers listed with the Department of Planning and Land Use.

XVIII. REFERENCES USED IN THE COMPLETION OF THE ENVIRONMENTAL REVIEW UPDATE CHECKLIST FORM

- Biological Technical Report-Otay Business Park prepared by Helix Environmental Planning, Inc. June 12, 2006, revised October 13, 2006.
- CEQA Preliminary Hydrology/Drainage Study-Otay Business Park prepared by Kimley-Horn and Associates, Inc. October 23, 2006.
- EIR for East Otay Mesa Specific Plan, prepared February 17, 1994, revised by the Planning Commission April 15, 1994, and adopted by the Board of Supervisors May 11, 1994.
- Fire Protection Plan for Otay Business Park prepared by Hunt Research Corp. dated September, 2006.
- A Phase I Archaeological Survey and Phase II Cultural Resources Evaluation for the Otay Business Park Project, September 15, 2006 prepared by Brian F. Smith & Associates.
- Storm Water Management Plan-Otay Business Park prepared by Kimley-Horn and Associates Inc. October 23, 2006.
- Traffic Impact Study for the Otay Business Park prepared by Darnell and Associates, Inc. June 1, 2006, revised October 12, 2006.
- Wildlife Biological Technical Report for the East Otay Mesa Specific Plan Amendment Area prepared by ED PW, Inc., October 2001.

California Department of Fish and Game. Fish and Game Code, Section 1600 *et. seq.*
California Environmental Quality Act, CEQA Guidelines 1997

California Environmental Quality Act. 2001. California Code of Regulations, Title 14, Chapter 3, Section 15382.
California Integrated Solid Waste Management Act, 1989
California Integrated Waste Management Board, Title 14, Natural Resources, Division 7
California Integrated Waste Management Board, Title 27, Environmental Protection, Division 2, Solid Waste
California Public Resources Code, CPRC, Sections 40000-41956
City of Los Angeles, L.A. CEQA Thresholds Guide, Section C Geology, D Water Resources
County Code of Regulatory Ordinances, Title 3, Division 5, Chapter 3
County of San Diego Public Facility Element of the General Plan (Section 6-Solid Waste, XII-6-1)
County of San Diego Zoning Ordinance (Agricultural Use Regulation, Sections 2700-2720)
County of San Diego. Resource Protection Ordinance, Article II (16-17). October 10, 1991
County of San Diego. 1997. Multiple Species Conservation Program, County of San Diego Biological Mitigation Ordinance
County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (WPO) (Ordinance Nos. 9424 and 9426, County Codes §§ 67801 et seq.), February 20, 2002
Order No. 2001-01, NPDES No. CAS 0108758, California Regional Water Quality Control Board, San Diego Region
Ordinance 8334, An Ordinance to amend the San Diego County Code of Regulatory Ordinances relating to Flood Damage Prevention, Adopted by the Board of Supervisors on 12/7/93
Public Resources Code Sections 4290 and 4291
The Resource Conservation and Recovery Act (RCRA), 1976
Uniform Fire Code, Article 9 and Appendix II-A, Section 16
Water Quality Control Plan for the San Diego Basin (9), California Regional Water Quality Control Board, San Diego Region
Wetland Training Institute, Inc. 1993. Wetland Delineation Lecture Notes based on Corps of Engineers 1987 Manual



ERIC GIBSON
INTERIM DIRECTOR

County of San Diego

DEPARTMENT OF PLANNING AND LAND USE

5201 RUFFIN ROAD, SUITE B, SAN DIEGO, CALIFORNIA 92123-1666
INFORMATION (858) 694-2960
TOLL FREE (800) 411-0017
www.sdcounty.ca.gov/dplu

July 29, 2008

Jeramey Harding
T&B Planning Consultants, Inc.
8885 Rio San Diego Drive, Suite 227
San Diego, CA 92108

RE: OTAY BUSINESS PARK; TM 5505; LOG NO.: 93-19-006W;
TRANSMITTAL OF NOTICE OF PREPARATION COMMENTS

Dear Mr. Harding:

The Department of Planning and Land Use (DPLU) has circulated for public review a "Notice of Preparation" for the Environmental Impact Report (EIR) for your proposed project. Attached you will find the correspondence received. A copy of the Notice of Preparation and the comments received must be included in the appendices of the EIR. It is staff's view that the attached comment letters do not contain comments that would cause the project to change scope or description. However, please address whether the project does need to annex into the San Diego Rural Fire Protection District (see attached LAFCO letter). Please address any salient comments in the Draft SEIR.

If you have any specific questions regarding the above, please contact Robert Hingtgen, Project Environmental Coordinator at (858) 694-3712.

PROJECT SCHEDULE: An updated copy of your project schedule is attached showing an estimated hearing/decision date of March 25, 2010.

SUBMITTAL REQUIREMENTS/DATE: Please comply with the submittal requirements and due date as outlined in the "Request for Environmental Impact Report" letter from DPLU dated April 23, 2008.

If you have any questions regarding this request, please contact me at (858) 694-3706.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Taylor', with a stylized flourish at the end.

TIMOTHY TAYLOR, Project Manager
Regulatory Planning Division

Attachments: Revised Estimated Processing Schedule
Notice of Preparation Comments

cc: Dan Berkus, Paragon Management Company, 4225 Executive Square, Suite 920,
La Jolla, CA 92037
Matthew Barlow, Kimley - Horn and Associates, 517 Fourth Ave, Suite 301, San Diego,
CA 92101
Richard Lantis, Project Manager, DPW, M.S. 0336
Robert Hingtgen, Project Environmental Coordinator, DPLU, M.S. O650
Bill Witt, County Counsel, M.S. A12

ESTIMATED PROCESSING SCHEDULE

Project Name
 Project Number
 Staff Completing Schedule
 Decision-Making Body
 Date Schedule Produced/Revised

Otay Business Park
 TM 5505 / ER 93-19-006W
 Rob Hingtgen
 Planning Commission and Board of Supervisors
 7/28/2008

TASK/ACTIVITY	Estimated Duration	Estimated Completion Date	Actual Completion Date
APPLICATION SUBMITTAL OR DETERMINATION THAT AN EIR IS REQUIRED	30	7/19/2006	6/19/2006
DPLU reviews for application "completeness", determines project issues, costs and schedule			7/28/2006
Applicant submits 1st iteration technical studies	120	11/27/2006	10/23/2006
DPLU reviews 1st iteration technical studies	30	11/22/2006	1/31/2007
Applicant submits 2nd iteration technical studies	60	4/2/2007	
DPLU issues EIR scoping letter		4/2/2007	5/30/2007
DPLU finalizes CEQA Environmental Checklist (15162)	7	6/6/2007	6/6/2007
Applicant to submit redesign of project pursuant to EIR scoping letter	14	6/13/2007	
Applicant and DPLU review project site biological resource constraints	300	4/1/2008	4/1/2008
DPLU Revises Initial Scoping of EIR	20	4/21/2008	4/21/2008
Applicant submits documents for Public Review of Notice of Preparation (NOP)	14	5/5/2008	5/16/2008
DPLU completes advertises and distributes NOP	10	5/26/2008	6/12/2008
Public review of NOP	30	7/14/2008	7/11/2008
DPLU receives and distributes public comments on NOP to Applicant (180 period for resubmittal of DEIR begins here)	3	7/14/2008	
Kick-off Meeting held with County Applicant and EIR Consultant	30	8/11/2008	
Applicant submits 1st Draft EIR	180	1/7/2009	
DPLU reviews 1st Draft EIR	45	2/23/2009	
Applicant submits 2nd Draft EIR*	45	4/9/2009	
DPLU reviews 2nd Draft EIR*	30	5/11/2009	
Applicant submits 3rd Draft EIR*	30	6/10/2009	
DPLU reviews 3rd Draft EIR*	30	7/10/2009	
Applicant makes final changes to Draft EIR, produces copies of documents, & CDFG Fees	10	7/20/2009	
DPLU completes distribution paperwork, advertises and distributes Draft EIR	14	8/3/2009	
Public Review of Draft EIR	45	9/17/2009	
DPLU sets meeting with applicant to determine approach for response to comments	15	10/2/2009	
DPLU transmits public comments to Applicant (to occur as comments received)	3	10/5/2009	
Applicant submits 1st Draft Responses to Public Comment and EIR Errata	30	11/4/2009	
DPLU reviews 1st Draft Responses to Public Comments and EIR Errata	30	12/4/2009	
Applicant submits 2nd Draft Responses to Public Comment, EIR Errata and 1st Draft Findings*	21	12/25/2009	
DPLU reviews 2nd Draft Responses to Public Comments, EIR Errata and 1st Draft Findings - if adequate send to Counsel for review	21	1/15/2010	
Board Policy 1-119 Review of Responses to Comments and EIR Changes/Recirculation Decision	40	2/24/2010	
DPLU transmits County Counsel comments to Applicant	3	3/1/2010	
Applicant submits 3rd Draft Responses to Public Comment and Second Draft EIR changes & Findings *	14	3/15/2010	
DPLU reviews 3rd Draft Responses to Public Comments/ EIR Changes/ Findings and sends to County Counsel for review*	14	3/29/2010	
Second Board Policy 1-119 Review of Responses to Comments and EIR Changes/Recirculation Decision*	30	4/28/2010	
DPLU transmits County Counsel Comments to Applicant*	3	5/3/2010	
Applicant revises EIR, CEQA Findings/Override, and Responses to Public Comment	14	5/17/2010	
DPLU reviews Draft CEQA Findings/Override, and Responses to Public Comment	14	5/31/2010	
DPLU finalizes documentation	10	6/10/2010	
DPLU makes final staff recommendation on the project	7	6/17/2010	
DPLU finalizes Staff Report, hearing documents, docket's project for Planning Commission Hearing	45	3/25/2010	

Total Estimated Duration
 196 weeks
 45 3 months

Bolded tasks are under the control of applicant/consultant.

Italicized tasks are completed concurrently with other tasks

* . Task can be eliminated if earlier draft documents are adequate

Assumptions:

Project will be completed using an Environmental Impact Report
 Applicant/consultant will provide adequate Environmental Impact Report in three iterations or less
 Applicant/Consultant will submit all required information in accordance with the estimated schedule/turnaround times
 The project will not be continued by the decision-making body nor appealed
 Any Department of Public Works or Department of Environmental Health issues will be resolved concurrently with the environmental process

The Hearing/Decision date is subject to Decision-Making Body availability and schedule
 Dates which fall upon a holiday will have an actual completion date the first business day after such holiday

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
www.nahc.ca.gov
ds_nahc@pacbell.net



June 19, 2008

Mr. Tim Taylor, Project Manager

COUNTY OF SAN DIEGO DEPARTMENT OF PLANNING & LAND USE

5201 Ruffin Road, Suite B
San Diego, CA 92123-1666

Re: SCH# 2008061177: CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for the Otay Business Park, TM5505, Log No. ER 93-19-006W, East Otay Mesa Specific Plan Area, San Diego County, California

Dear Mr. Taylor:

Thank you for the opportunity to comment on the above-referenced document. The Native American Heritage Commission is the state agency designated for the protection of California's Native American cultural resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per the California Code of Regulations § 15064.5(b)(c) (CEQA Guidelines). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE),' and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the 'Information Center' nearest you is available from the State Office of Historic Preservation in Sacramento (916/653-7278). The record search will determine:
 - If a part or the entire (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
 - A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have information on cultural resources in or near the APE. Please provide us site identification as follows: USGS 7.5-minute quadrangle citation with name, township, range and section. This will assist us with the SLF.
 - Also, we recommend that you contact the Native American contacts on the attached list to get their input on the effect of potential project (e.g. APE) impact. In many cases a culturally-affiliated Native American tribe or person will be the only source of information about the existence of a cultural resource.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) § 15064.5 (f) of the California Code of Regulations (CEQA Guidelines). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts in consultation with culturally affiliated Native Americans.

RECEIVED
JUN 23 2008

DPLU - PPCC

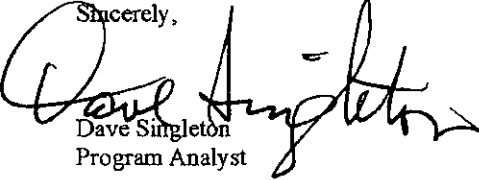
√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigations plans.

- CEQA Guidelines §15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American groups, identified by the NAHE, to ensure the appropriate and dignified treatment of Native American human remains and any associated grave goods.
- Health and Safety Code §7050.5, Public Resources Code §5097.98 and CEQA Guidelines §15064.5(d) mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in CEQA Guidelines §15370 when significant cultural resources are discovered during the course of project planning or execution.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dave Singleton". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dave Singleton
Program Analyst

Attachment: Native American Contact List.

Cc: State Clearinghouse

Native American Contacts
San Diego County
June 19, 2008

Barona Group of the Capitan Grande
Rhonda Welch-Scalco, Chairperson
1095 Barona Road Diegueno
Lakeside , CA 92040
sue@barona-nsn.gov
(619) 443-6612
619-443-0681

Sycuan Band of the Kumeyaay Nation
Danny Tucker, Chairperson
5459 Sycuan Road Diegueno/Kumeyaay
El Cajon , CA 92021
ssilva@sycuan-nsn.gov
619 445-2613
619 445-1927 Fax

La Posta Band of Mission Indians
Gwendolyn Parada, Chairperson
PO Box 1120 Diegueno
Boulevard , CA 91905
(619) 478-2113
619-478-2125

Viejas Band of Mission Indians
Bobby L. Barrett, Chairperson
PO Box 908 Diegueno/Kumeyaay
Alpine , CA 91903
daguiar@viejas-nsn.gov
(619) 445-3810
(619) 445-5337 Fax

San Pasqual Band of Mission Indians
Allen E. Lawson, Chairperson
PO Box 365 Diegueno
Valley Center , CA 92082
(760) 749-3200
(760) 749-3876 Fax

Kumeyaay Cultural Historic Committee
Ron Christman
56 Viejas Grade Road Diegueno/Kumeyaay
Alpine , CA 92001
(619) 445-0385

Santa Ysabel Band of Diegueno Indians
Johnny Hernandez, Spokesman
PO Box 130 Diegueno
Santa Ysabel , CA 92070
brandietaylor@yahoo.com
(760) 765-0845
(760) 765-0320 Fax

Jamul Indian Village
William Mesa, Chairperson
P.O. Box 612 Diegueno/Kumeyaay
Jamul , CA 91935
jamulrez@sctdv.net
(619) 669-4785
(619) 669-48178 - Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the propose SCH#2008061077; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Otay Business Park TM5505 Project located in the East Otay Mesa Specific Plan Area; San Diego County, California.

Native American Contacts
San Diego County
June 19, 2008

Mesa Grande Band of Mission Indians
Mark Romero, Chairperson
P.O. Box 270 Diegueno
Santa Ysabel , CA 92070
mesagrandeband@msn.com
(760) 782-3818
(760) 782-9092 Fax

Kumeyaay Cultural Repatriation Committee
Steve Banegas, Spokesperson
1095 Barona Road Diegueno/Kumeyaay
Lakeside , CA 92040
(619) 742-5587
(619) 443-0681 FAX

Kumeyaay Cultural Heritage Preservation
Paul Cuero
36190 Church Road, Suite 5 Diegueno/ Kumeyaay
Campo , CA 91906
chairman@campo-nsn.gov
(619) 478-9046
(619) 478-9505
(619) 478-5818 Fax

Clint Linton
P.O. Box 507 Diegueno/Kumeyaay
Santa Ysabel , CA 92070
(760) 803-5694
cjlinton73@aol.com

Kwaaymii Laguna Band of Mission Indians
Carmen Lucas
P.O. Box 775 Diegueno -
Pine Valley , CA 91962
(619) 709-4207

Inaja Band of Mission Indians
Rebecca Osuna, Spokesperson
309 S. Maple Street Diegueno
Escondido , CA 92025
(760) 737-7628
(760) 747-8568 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2008061077; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Otay Business Park TM5505 Project located in the East Otay Mesa Specific Plan Area; San Diego County, California.

From: Taylor, Tim [LUEG]
Sent: Friday, June 20, 2008 9:40 AM
To: Hingtgen, Robert J
Subject: FW: Otay Business Park, TM 5505

From: Dan Silver [mailto:dsilverla@earthlink.net]
Sent: Thursday, June 19, 2008 8:10 PM
To: Taylor, Tim [LUEG]
Cc: Russell, Glenn S; Gibson, Eric; Oberbauer, Thomas A
Subject: Otay Business Park, TM 5505

June 19, 2008

Tim Taylor
Dept. of Planning and Land Use
5201 Ruffin Rd., Suite B
San Diego, CA 92123

RE: Notice of Preparation of an EIR for Otay Business Park, TM 5505

Dear Mr. Taylor:

The Endangered Habitats League (EHL) is concerned over MSCP compliance in the important East Otay Mesa Minor Amendment Area. It is vital that the County prepare a comprehensive strategy for East Otay Mesa, and that this and other projects not proceed in a piecemeal manner. As you know, burrowing owl populations in the County have crashed, necessitating proactive measures for the still viable population on Otay Mesa. *All suitable or potentially suitable* burrowing owl habitat should be avoided or mitigated at a ratio of 1:1 to 2:1, depending upon quality.

We urge DPLU to work with the CDFG and USFWS on a comprehensive approach that will meet or exceed MSCP objectives. Please let me know if EHL can be of assistance.

Please retain EHL on all mailing, notification, and distribution lists for this project. Thank you.

With best regards,

Dan Silver
Executive Director
Endangered Habitats League
8424-A Santa Monica Blvd., #592
Los Angeles, CA 90069-4267

Tel 213-804-2750
Fax 323-654-1931
dsilverla@earthlink.net
www.ehleague.org



San Diego County Archaeological Society, Inc.

Environmental Review Committee

16 June 2008

To: Mr. Tim Taylor
Department of Planning and Land Use
County of San Diego
5201 Ruffin Road, Suite B
San Diego, California 92123-1666

Subject: Notice of Preparation of a Draft Environmental Impact Report
Otay Business Park
TM5505, Log No. ER 93-19-006W


Dear Mr. Taylor:

Thank you for the Notice of Preparation for the subject project, received by this Society last week.

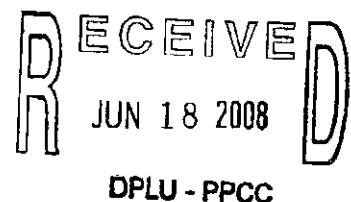
We are pleased to note the inclusion of cultural resources in the list of subject areas to be addressed in the DEIR, and look forward to reviewing it during the upcoming public comment period. To that end, please include us in the distribution of the DEIR, and also provide us with a copy of the cultural resources technical report(s).

SDCAS appreciates being included in the County's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: SDCAS President
File





1600 Pacific Highway • Room 452 • San Diego, CA 92101
(619) 531-5400 • FAX (619) 557-4190

San Diego Local Agency Formation Commission

Website: www.sdlafco.org

Chairman

Andrew L. Vanderlaan
Public Member

June 23, 2008

Vice Chairman

Bill Horn
County Board of
Supervisors

TO: Tim Taylor, Land Use/Environmental Planner (O650)
San Diego County Department of Planning & Land Use

Members

Donna Frye
Councilmember
City of San Diego

FROM: Chief, Governmental Services (A216)
San Diego LAFCO

Dianne Jacob
County Board of
Supervisors

SUBJECT: Otay Business Park, TM5505, Log No. ER 93-19-006W

Andrew J. Menshek
Padre Dam
Municipal Water District

Thank you for the opportunity to comment on the above-referenced project that proposes to subdivide a vacant, 161± acre parcel into 59 industrial lots and 2 lots where storm water detention basins will be installed. The project complies with the existing Mixed Industrial land use designation.

Carl Hilliard
Councilmember
City of Del Mar

LAFCO is responsible for encouraging the efficient provision of public services and thus has purview over changes to local government organization and any associated sphere of influence actions. In addition, LAFCO is a responsible agency for environmental review when jurisdictional changes and/or sphere amendments are proposed. Environmental documents should contain a discussion of public facilities, how public services are proposed to be provided to the project area, the ability of existing agencies to provide that service, and any consequences of future service provision.

Bud Pocklington
South Bay Irrigation District

Betty Rexford
Councilmember
City of Poway

Alternate Members

Mark Lewis
Mayor
City of El Cajon

The Notice of Preparation (NOP) correctly states that the subject territory is in the Otay Water District and the East Otay Mesa Sewer Maintenance District for the provision of water and sewer services respectively. While the NOP indicates that the property must annex to obtain fire service from the Rural Fire Protection District, our research shows that the parcel already is in the District. Thus, under existing conditions, LAFCO will have no involvement with this project nor be a responsible agency for environmental review.

Greg Cox
County Board of
Supervisors

John S. Ingalls
Santa Fe
Irrigation District

Harry Mathis
Public Member

Should you have any questions, or if LAFCO may be of further assistance, please contact me at (619) 531-5400 or via e-mail at Ingrid.Hansen@sdcounty.ca.gov.

Brian Maienschein
Councilmember
City of San Diego

Executive Officer

Michael D. Ott


INGRID E. HANSEN
Chief, Governmental Services

Counsel

William D. Smith

IEH/ieh